

109TH CONGRESS
1ST SESSION

H. R. 4381

To amend title 5, United States Code, to permit access to databases maintained by the Federal Emergency Management Agency for purposes of complying with sex offender registry and notification laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. POE (for himself, Ms. GINNY BROWN-WAITE of Florida, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to permit access to databases maintained by the Federal Emergency Management Agency for purposes of complying with sex offender registry and notification laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIREMENT FOR ACCESS TO FEMA DATA-**
2 **BASES TO COMPLY WITH SEX OFFENDER**
3 **REGISTRY AND NOTIFICATION LAWS.**

4 Section 552a(b) of title 5, United States Code, is
5 amended—

6 (1) by striking “or” at the end of paragraph
7 (11);

8 (2) by striking the period at the end of para-
9 graph (12) and inserting “; or”; and

10 (3) by adding at the end the following new
11 paragraph: .

12 “(13) disclosure of a record contained in a sys-
13 tem of records maintained by the Federal Emer-
14 gency Management Agency on assistance provided to
15 individuals in connection with a major disaster or
16 emergency, for purposes of disclosure to another
17 agency or to an instrumentality of any governmental
18 jurisdiction within or under the control of the
19 United States for purposes of complying with a Fed-
20 eral or State sex offender registry or notification
21 law.”.

1 **SEC. 2. DISCLOSURE OF RECORDS MAINTAINED BY NON-**
2 **GOVERNMENTAL ORGANIZATIONS PRO-**
3 **VIDING EVACUATION ASSISTANCE.**

4 Title III of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
6 is amended by adding at the end the following:

7 **“SEC. 326. DISCLOSURE OF RECORDS MAINTAINED BY NON-**
8 **GOVERNMENTAL ORGANIZATIONS PRO-**
9 **VIDING EVACUATION ASSISTANCE.**

10 “(a) IN GENERAL.—As a condition of receipt of Fed-
11 eral funds under this Act for services related to evacuating
12 individuals from an area in response to a hazard or threat
13 of a hazard, a nongovernmental organization shall provide
14 assurances satisfactory to the President that the organiza-
15 tion will disclose to a jurisdiction, upon written request,
16 records maintained by the organization in connection with
17 such services if the purpose of the disclosure is to permit
18 the jurisdiction to comply with a Federal or State sex of-
19 fender registry or notification law.

20 “(b) LIABILITY PROTECTION.—Notwithstanding any
21 other provision of law, no organization or any employee
22 thereof disclosing a record to a jurisdiction pursuant to
23 an assurance made under subsection (a) shall be held, by
24 reason of making the disclosure, to be liable in damages
25 under any law of the United States or of any State (or
26 political subdivision thereof) unless the information dis-

- 1 closed is false and the person providing the information
- 2 knew that the information was false.”.

